

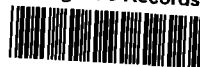
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
POLLUTION REPORT

*Putzgr
Board*

I. HEADING

Date: April 16, 1997
Subject: 601 Properties Site, Dayton, Montgomery County, Ohio.
From: Brad Stimple, OSC, U.S. EPA, Region V, EERB, RS-III
To: K. Mould, OSWER, Washington, D.C.
R. Karl, Branch Chief, ERB, Chicago, IL
F. Rollins, Chief RS-III, ERB, Chicago, IL
B. Messenger, Chief ESS, Chicago, IL
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EPA Region 5 Records Ctr.



304544

POLREP#: POLREP I (Initial)

II. BACKGROUND

Site ID No.: A571
Delivery Order No: 5001-05-671
Response Authority: Time-Critical CERCLA (ERB)
CERCLIS ID #: OH0001571751
NPL Status: Non-NPL
State Notification: OEPA notified
Action Memorandum Status: Approved- March 10, 1997
Start Date: April 2, 1997
Completion Date:

III. RESPONSE INFORMATION

A. Incident Category

Abandoned Trailer

B. Site Description

1. Site Location

The 601 Properties site is an abandoned trailer located at 601 East Third Street in Dayton, Montgomery County, Ohio (39°45'40"N, 84°10'59"W). The warehouse-style building located at 601 East Third Street is not currently occupied or in use. The abandoned trailer is approximately 20 to 25 feet in length and is in a deteriorating condition. The trailer is situated in an unused loading dock immediately adjacent to the F.W. Lotz Paper & Fixture Company. The 601 Properties site is located in an industrial and commercial area near downtown Dayton, Ohio. The site is bordered to the north by an alley and a parking lot, to the south by Third Street, to the west by Sears Street and KK Motorcycle Supply, and to the east by Dayton Power and Light.

2. Site Background

The site was initially identified in 1990 by the Dayton Fire Department after receiving information suggesting that the trailer contained hazardous chemicals. The Ohio Environmental Protection Agency (OEPA) identified the potentially responsible party (PRP) and on August 13, 1992, requested that the PRP inventory, evaluate, and provide a schedule by which materials would be properly disposed. On August 19, 1992, the PRP notified OEPA denying ownership of the trailer and its contents and stated that he had no plans to evaluate or schedule the disposal of the materials. The PRP is the sole owner of the property and building known as the 601 Properties site.

On September 18, 1992, OEPA executed an administrative search warrant to conduct a site inspection of the abandoned trailer and to collect and seize drum and container samples. OEPA chemical analysis revealed that hazardous substances were present.

On July 19, 1994, the PRP was officially identified as the owner of the contents of the trailer and was issued a Final Findings & Orders of the Director of the OEPA. The PRP appealed the order to the State Environmental Board of Review.

On July 8, 1996, OEPA contacted the U.S. EPA Emergency Response Branch (ERB) and requested assistance in the form of a removal action.

On August 28, 1996, U.S. EPA and a representative of the Superfund Technical Assessment and Response Team (START) conducted a site assessment of the 601 Properties site. No samples were collected during the site assessment. Chemical analysis from the 1992 OEPA sampling event would provide sufficient evidence that a potential public health and/or environmental threat existed due to the uncontrolled and abandoned nature of hazardous substances discovered on site.

During the site assessment it was observed that the drums, containers, and the trailer itself were in deteriorating state. Contents of many of the containers were leaking to the floor of the trailer and possibly to the ground below the trailer. It was also observed that homeless persons had been recently sleeping under and around the trailer as bedding material and clothing were identified. According to OEPA documentation, a fire had also occurred at or around the trailer and was presumably ignited by persons occupying the area.

The Ohio Environmental Review Appeals Commission issued Findings of Fact, Conclusions of Law and Final Order in the appealed case. The Final Order affirmed the Director of OEPAs action in issuing Findings and Orders to the Respondent.

3. Description of Threat

Eleven 55-gallon drums, four 30-gallon drums, thirty-one 10-gallon and 5-gallon containers, and sixty-three 1-gallon and 1-pint containers containing elevated levels of volatile organic compounds (VOCs) and flammable and corrosive materials have been documented as being present in the abandoned trailer. Analysis of drum samples collected by OEPA revealed elevated concentrations of VOCs such as 1,1,1-trichloroethane and xylene at greater than 95% each. The majority of the drums and containers were labelled with original product markings. The trailer was locked but access could easily have been gained due to the deteriorating condition and would not have adequately prevented unauthorized access that may have led to persons coming into contact with the hazardous substances.

Analytical results of samples collected from drums on site indicate the presence of characteristic corrosivity and listed hazardous wastes as described by RCRA of 1976, as amended, and 40 CFR 261.22, and 40 CFR 261.33.

C. Preliminary Assessment/Site Inspection Results

On July 8, 1996, OEPA requested the assistance of U.S. EPA in performing a time-critical removal action at the 601 Properties site. On August 28, 1996, U.S. EPA and START personnel conducted a site assessment/removal evaluation of the site, documenting the presence of hazardous substances and wastes as described above. Threat justification as documented in the Action Memorandum was based on analytical results generated from the OEPA investigation conducted in September 1992. Due to abandonment of wastes on-site and according to sample results, hazardous substances remaining on-site are now considered CERCLA/RCRA Hazardous Wastes and must be designated, treated and/or disposed as such. As mentioned, many of the drums and containers were observed to be in a deteriorating state with potential to, and/or continue to, release their contents.

IV. RESPONSE INFORMATION

A. Situation

1. Current Situation

No media activity or unusual incidents to report.

2. Removal Activities to Date

Although OEPA could not perform the removal action, arrangements were made by OEPA to remove the drums and containers from the 601 Properties site (trailer) and transport to a nearby secure location until U.S. EPA could perform a removal action.

On September 11, 1996, U.S. EPA On-Scene Coordinator Brad Stimple met with OEPA representatives and their contractor Chemtron Corp. at the 601 Properties site. OEPA grouped the drums and containers into hazard classes and placed into overpack containers. The drums were then transported by Chemtron Corp. to the U.S. EPA-Green Industries removal site located in Sharonville, Ohio. This interim measure provided temporary, secure housing of the containers. Twenty-three containers were transported to the Green Industries site and were staged in the northeast corner of the building surrounded by banner guard. OEPA will work with City of Dayton to remove the empty trailer from the 601 Properties site. OEPA will also assess and mitigate, if necessary, any environmental threat remaining at the site due to possible leaking of container contents to soils directly beneath the trailer.

NOTE: Actions described above were financed solely by OEPA.

The following removal activities for the 601 Properties site were performed at the Green Industries removal site located in Sharonville (Cincinnati), Ohio

During the weeks ending 4-5 and 4-12-97, the ERCS staged and opened all waste containers to be sampled. The OSC and START contractor sampled all containers, numbered, and generated drums logs recording pertinent information. The OSC and START performed hazard characterization and compatibility testing identifying four waste streams. The ERCS then consolidated the waste containers, according to hazard class, into 12-drum. These drums were overpacked as necessary. Drums were marked and staged. The OSC and START collected composite samples from the four waste streams to be used by an approved disposal facility for disposal acceptance. The ERCS crushed and disposed of empty, original containers as non-hazardous waste.

During the week ending 4-19-97, the OSC and START performed hazard characterization of the disposal composite samples and generated information to be used by the ERCS T&D coordinator to begin solicitation of disposal quotations.

Consolidated waste streams include: 1. 9-drum Combustible liquid (Kester Soldering Flux), 2. 1-drum Flammable liquid (waste solvents, oils, and paints), 3. 1-drum Corrosive liquid (waste industrial cleaners), and 4. 1-drum Flammable liquid (small containers of waste paints, lacquers, and enamels).

3. Enforcement

The owner of the 601 Properties site and trailer, William Kuntz, III, has been identified as the only PRP. Kuntz is the current owner of the 601 Properties site and is the president and sole stockholder of "601 Properties Inc." A 104 (e) Information Request and a General Notice of Potential Liability were forwarded and received by Kuntz. A draft Administrative Order by Consent, allowing the PRP an opportunity to remove and dispose of the abandoned containers, was forwarded and received by the PRP. The PRP denied liability and did not express a willingness to perform or finance the cleanup within the specified time limit. A Unilateral Administrative Order was then forwarded to Kuntz. Again, a timely response has not been received by U.S. EPA.

B. Planned Removal Activities

The objective of this removal action is to mitigate an imminent and substantial threat to human health, welfare and the environment. The following are proposed actions to adequately achieve the removal objective as outlined by the Action Memorandum:

1. Sample, hazard characterize, and consolidate all liquid, sludge, and solid wastes discovered in drums and small containers.
2. Crush and dispose of empty original containers.
3. Arrange for proper waste acceptance.
4. Schedule and transport consolidated waste containers to a RCRA/CERCLA approved facility for ultimate disposal.

C. Next Steps

1. Solicit disposal quotations and receive disposal acceptance at an approved facility.
2. Transport 12-drums for proper off-site disposal.

D. Key Issues

No key issues to discuss at this time.

V. COST INFORMATION (as of 4/15/97)

	AMOUNT BUDGETED	AMOUNT USED	AMOUNT REMAINING
US EPA	\$ 5,000	\$ 1,000	\$ 4,000
START	\$ 6,000	\$ 500	\$ 5,500
ERCS	\$ 20,000	\$ 500	\$ 19,500
TOTAL	\$ 31,000	\$ 2,000	\$ 29,000

The above accounting of expenditures is an estimate based on figures known to the OSC at the time this report was written. The OSC does not necessarily receive specific figures on final payments made to any contractor(s).

VI. DISPOSITION OF WASTES

Wastestream	Medium	Quantity	Contaminant- Migration Control	Treatment	Disposal
Kester soldering flux Non-regulated waste	Liquid	9 drums	Bulked into drums		
Corrosive Liquid	Liquid	1 drum	Bulked into a 55-gal drum		
Flammable Liquid	Liquid	1 drum	Bulked into a 55-gal drum		
25 containers of waste flammable liquids and solids	Solids/Liquids	1 drum	Bulked into an 85-gal overpack drum		